REMARKS

Claims 1-39 are currently pending of which claims 9-28 have been withdrawn as being directed to non-elected invention. By this Amendment, claims 1, 29 and 36 are amended, new claims 37-39 are added and no claims are canceled. Applicants respectfully request reconsideration of the rejected claims in light of the above amendments and following remarks.

I. Objection to the Specification

The Examiner objects to the specification for failing to provide proper antecedent basis for the claimed subject matter. Particularly, the Examiner contends that the term "computer-readable medium" in claims 34 and 35 lacks antecedent basis in specification as filed, because the specification uses the term "computer-readable media". See, Office Action at page 3, section 6. However, Applicants respectfully submit that no amendment is necessary to address this issue since "media" is merely a plural of "medium". The specification uses the term "media" in describing more than one "medium". Accordingly, Applicants respectfully request the withdrawal to the objection of the specification.

II. Claims Rejections – 35 U.S.C. § 101

The Examiner rejects claims 29-35 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner alleges that independent claim 29 does not produce a useful, concrete, and tangible result. See, Office Action, page 4, section 10. Particularly, the Examiner's allegation is that the claimed visual designer, compiler, and the assembler are pieces of software not capable of execution and thus are not capable of producing a useful, concrete and tangible result. Applicants respectfully disagree.

Applicants point out that M.P.E.P. § 2107 sets forth guidelines for the examination of patent applications under the "Utility Requirement". Under M.P.E.P. § 2107, an invention is "useful" when the utility is specific, substantial, and credible. A utility is specific, if it is particular to the subject matter claimed. A substantial utility is found if one skilled in the art can use the claimed invention in a manner that provides some immediate benefit to the public. A

credible utility is found if a person of ordinary skill in the art would accept that the recited or disclosed invention is currently available for such use. See M.P.E.P. 2107.

Applicants respectfully submit that the claimed invention satisfies the three-pronged test of "utility requirement" mentioned above. The claimed invention is directed to a specific subject matter that includes an apparatus for designing a process (e.g., business process). Such apparatus clearly provides a substantial utility since it provides a "real world" use by providing a practical application such as providing a cost effective way of developing software for complex systems and inventory system, an accounting system, and an ordering system that were developed independently of each other. Integrating such constituent systems may be difficult and costly. The claimed apparatus facilitates the development of software that can span across the constituent systems. See, for example, page 1, paragraph [02] of the instant specification. This utility is also credible since a person of ordinary skill in the art would accept that the recited or disclosed invention is currently available for such use. See, for example, page 2, and paragraph [05] of the specification as followed. Accordingly, it is respectfully submitted that the claimed invention satisfies the three-pronged test of utility requirement, and thus, the claimed invention is useful and provides a practical application.

Claim 29 also provides a concrete and tangible result since the visual designer displays a visual image of the process and generates a high-level code emission specifying the process, the compiler transforms the high-level code emission into compiled code, and the assembler assembles the compiled code into computer-executable instructions. The claimed apparatus for designing a process inherently includes a processor for executing such computer-executable instructions assembled by the assembler.

Regarding claim 34, Applicants respectfully disagree with the Examiner's contention that the claimed subject matter is non-statutory, the claim has been amended to recite, *inter alia*, "A computer-executable medium storing computer-executable modules" merely to expedite prosecution.

Accordingly, it is respectfully requested that the Examiner withdraw the claim rejection of claims 29-35 under section 101.

III. Claim Rejection 35 U.S.C. § 102

The Examiner rejects claims 1-8 and 29-36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. 2002/0066074 to Jabri (hereinafter "Jabri"). This rejection is respectfully traversed.

Applicants respectfully submit that in dramatic contrast to the claimed invention, Jabri fails to teach or suggest each and every element of the claimed invention, for example claim 1. That is, as best understood, there is simply nothing in Jabri that remotely suggests a method for designing a process, including, *inter alia*, transforming the high-level code emission into computer-executable instructions; through

(b) generating a high-level code emission for the process with an association between the model for the process and an user-selected supported, inserted graphical shape-construct corresponding to a visual image; the process being specified by a the visual image on the visual display surface; and

(c) transforming the high-level code emission into computer-executable instructions; through,

determining a first contextual evaluation whether the supported, inserted graphical shape-construct of step (b) is compatible with any previously selected supported, selected graphical shape-construct, and only after having said compatibility is determined,

transforming the association between the model and the high-level code emission for the process is transformed into computer-executable instructions.

That is to say that, by a first contextual evaluation of the user-selected supported, inserted graphical shape-construct (hereinafter "construct" or "constructs"), the system determines from a high-level code emission whether the construct is compatible with any previously selected constructs already upon the visual display surface. Next, and only after a successful compatibility between the constructs is determined will association between the constructs be transformed into computer-executable instructions.

Instead, and as Jabri is understood, it appears that the system of Jabri generally employs a modeling tool wherein the modeling tool is used to capture application logic at an abstract design level and then deploy the captured application logic into an execution platform. One example of the system in Jabri uses a universal modeling language (UML) for visually capturing object definitions. See, for example, Jabri at paragraphs 26 and 29. However, Jabri fails to anticipate the claimed invention for at least the absence of the visual display surface and the attendant user selected, supported inserted graphical shape-constructs corresponding to the visual images on the visual display surface.

For at least these reasons, Applicants submit that Jabri fails to teach or suggest the claimed combination of elements recited by amended claim 1. And similarly found in amended claims 29, 34 and 36. As such, claims 1, 29, 34 and 36 are clearly patentable. Because claims 2-8, 30-33, 35 and 37-39 depend from claim 1, 29, 34 and 36, claims 2-8, 30-33, 35 and 37-39 are at least patentable by virtue of their dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 1-8 and 29-36 under section 102 to Jabri is respectfully requested.

IV. Conclusion

All matters having been addressed in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' undersigned representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains an issue in which

the Examiner feels would be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account No. 02-2448. The Commissioner for Patents is also authorized to credit any overpayments to the above-referenced deposit account.

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Respectfully submitted,

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